

REMARKS

In view of the foregoing amendments and the following remarks, Applicants respectfully request reexamination of the present application. Claim 29 has been amended, no Claims have been cancelled and no new Claims have been added.

As requested by the Examiner, Applicants have amended the specification to complete the information relating to the provisional application cited on page 1, and have amended the Abstract.

The Examiner has objected to Claim 29 because there is no antecedent basis in the previous claim language for "said total mass of absorbent material". Claim 29 has been amended accordingly and removal of this rejection is requested.

The Examiner has provisionally rejected Claims 1-98 under 35 U.S.C. 101 as claiming the same invention as that of Claims 1-43, 45 and 48-65 of co-pending Application No. 10/996,791. The Examiner states that Claims 1-98 of this application conflict with Claims 1-65 of Application No. 10/996,791. The Examiner states that 37 C.F.R. 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. The Examiner states that Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications.

The Examiner has also provisionally rejected all pending claims on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-65 of copending Application No. 10/996,791. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of 10/723,424 and 10/996,791 disclose a method for converting a carbon-based fuel into a hydrogen-rich product gas using similar process steps.

More specifically, the Examiner states that the difference between the claims of 10/723,424 and the claims of 10/996,791 is that Claims 44, 46 and 47 in 10/996,791 describe the temperature; gas hourly space velocity and water:carbon ratio in the same

process, however it is the Examiner's position that this difference would have been obvious to one of ordinary skill in the art at the time the invention was made because it is reasonably expected that the same process will inherently operate at the same claimed temperatures; gas hourly space velocity and water:carbon ratios. The Examiner states that the courts have already determined that mere recognition of latent properties in the prior art does not render nonobvious an otherwise known invention: please see the discussion of the *In re Wiseman*, 596 F.2d 1019, 201 USPQ 658 (CCPA 1979) court decision set forth in section 2145(II) in the MPEP, 8th Ed., Rev. 3, Aug. 2005.

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If a "provisional" statutory double patenting rejection is the only rejection remaining in one of the applications (but not both), the examiner should withdraw the rejection in that application and permit that application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application into a double patenting rejection when the application issues as a patent. MPEP §804.

Since these provisional rejections appear to be the only outstanding rejections in the present application, and since the claims of U.S. Patent Serial No. 10/996,791 have not been examined on the merits and remain pending, Applicants request removal of the double patenting and obviousness-type double patenting rejection with respect to the present application so that the present application can pass to issue.

Applicants do not believe that any fees are due with respect to the filing of this paper, however if any fees are required please charge the fee to Deposit Account No. 50-1419.

Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecute and or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: May 3, 2006